

# Congress of the United States

Washington, DC 20515

November 9, 2023

Soumya Dayananda  
Willkie Farr & Gallagher LLP  
1875 K Street, NW  
Washington, D.C. 20006-1238

Dear Ms. Dayananda:

The Committee on Oversight and Accountability and the Committee on the Judiciary (collectively the Committees) are subpoenaing Mr. Mervyn Yan to appear for a deposition. These subpoenas are being issued pursuant to Rule XI.2(m)(1)(B) of the Rules of the House of Representatives, Rule 12(g) of the Oversight Committee's rules, and Rule IV(a) of the Judiciary Committee's rules. Attached to this letter is the Oversight Committee's subpoena; the Judiciary Committee's subpoena will be transmitted to you separately.

The Oversight Committee has reviewed bank records of individuals and entities associated with the Biden family as well as other evidence. This review uncovered a pattern of financial complexity. As detailed in the Impeachment Memorandum<sup>1</sup> and the Oversight Committee's Bank Memoranda, the Biden family used corporate bank accounts of third-party associates to receive wires from foreign companies and foreign nationals.<sup>2</sup> The Biden business associates then dispersed money to various Biden family members in incremental payments over time.<sup>3</sup>

For example, President Biden has received money originating from China via James and Hunter Biden, individuals with whom your client has previously engaged in business. James Biden maintained a business relationship with Hunter Biden, and the two engaged in several business deals, including a deal with Chinese energy company CEFC China Energy (CEFC), which is closely tied to the Chinese Communist Party through its founder, Chairman Ye Jianming.<sup>4</sup> On November 1, 2023, the Oversight Committee released a Fourth Bank Records Memorandum revealing a \$40,000 check was issued by Sara Biden from a personal bank account to Joe Biden using proceeds derived from an entity affiliated with CEFC.<sup>5</sup> The Committees seek

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<sup>1</sup> Memorandum (Sept. 27, 2023). From Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Hon. Jason Smith, Chairman, H. Comm. on Ways & Means, to H. Comm. on Oversight & Accountability, H. Comm. on the Judiciary, & H. Comm. on Ways & Means. Re: Impeachment Inquiry.

<sup>2</sup> See, e.g., Memorandum (Mar. 16, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. Staff to Comm. Members. Re: New Evidence Resulting from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes.

<sup>3</sup> *Id.*

<sup>4</sup> Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. Staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 19-22.

<sup>5</sup> Memorandum (Nov. 1, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. Staff to Comm. Members. Re: Fourth Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 5-9.

additional information from your client about his relationships with the Biden family and individuals affiliated with CEFC.

The Oversight Committee first wrote to Mr. Yan on February 14, 2023, requesting information regarding his communications between and documents regarding certain individuals and corporate entities as well as a transcribed interview with Oversight Committee counsel.<sup>6</sup> On March 10, 2023, **Mr. Yan requested a subpoena for documents he already had produced to state and federal agencies.**<sup>7</sup> The Oversight Committee issued a subpoena to Mr. Yan on March 17, 2023, for a more tailored list of individuals and postponed the transcribed interview. However, you informed the Oversight Committee on May 25, 2023, that Mr. Yan would “not produce any documents responsive to the Committee’s March 17 subpoena.”<sup>8</sup> To date, Mr. Yan has produced no documents to the Oversight Committee.

The Committees are investigating whether sufficient grounds exist to draft articles of impeachment against President Biden for consideration by the full House. Along with House Ways and Means Chairman Jason Smith, we set forth in a September 27, 2023 memorandum the evidence justifying the inquiry and the scope of this impeachment investigation.<sup>9</sup> In particular, evidence shows that President Biden was at least aware of some of his family’s business ventures and sought to influence potential business deals that financially benefited his family. Indeed, a Biden business associate, Devon Archer, testified how the Biden “brand” was used in retaining business, and that Joe Biden met with some of the foreign nationals who paid his family.<sup>10</sup>

The Committees require your client’s testimony to provide evidence that is relevant to the impeachment inquiry. In particular, your client has knowledge of how James Biden and Hunter Biden operated their businesses and structured their financial transactions, and your client may also know whether and how President Biden has been involved in his family’s business dealings. Therefore, your client is also in a position to provide information related to whether, among other things, Joe Biden, as Vice President and/or President: (1) took any official action or effected any change in government policy because of money or other things of value provided to himself or his family, including whether concerns that Chinese sources may release additional evidence about their business relationships with the Biden family have had any impact on official acts performed by President Biden or U.S. foreign policy; (2) abused his office of public trust by providing foreign interests with access to him and his office in exchange for payments to his family or him; or (3) abused his office of public trust by knowingly participating in a scheme to enrich himself or his family by giving foreign interests the impression that they would receive access to him and his office in exchange for payments to his family or him.

The testimony sought by these subpoenas is also relevant to ongoing efforts to craft legislative reforms to federal ethics and financial disclosure laws. As part of our investigation, the Committees seek to craft legislative solutions aimed at deficiencies we have identified in the

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<sup>6</sup> Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Mervyn Yan (Feb. 14, 2023).

<sup>7</sup> Email to Committee counsel from Mervyn Yan (Mar. 10, 2023).

<sup>8</sup> Letter from Soumya Dayananda and Timothy Heaphy to Hon. James Comer, H. Comm. on Oversight & Accountability (May 25, 2023).

<sup>9</sup> *Supra*, fn. 1.

<sup>10</sup> Transcript of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023).

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current legal framework regarding ethics laws and the disclosure of financial interests related to the immediate family members of Vice Presidents and Presidents—deficiencies that may place American national security and interests at risk. Specifically, the Committees are concerned that foreign nationals appear to have sought access and influence by engaging in lucrative business relationships with high-profile political figures' immediate family members.

The Committees are investigating the national security implications of a Vice President's or President's (and candidates for such offices) immediate family members receiving millions of dollars from foreign nationals, foreign companies, or foreign governments without any oversight. Current financial disclosure laws and regulations do not require non-dependent family members of senior elected officials to provide any information to the public. The Committees are seeking meaningful reforms to government ethics and disclosure laws that will provide necessary transparency into a Vice President's or President's immediate family members' income, assets, and financial relationships.

The Committees also intend to craft legislation that would strengthen reporting requirements related to certain foreign transactions involving senior elected officials' family members and that would implement robust financial disclosure requirements that shed light on ownership of opaque corporate entities. Moreover, in order to prevent financial transactions from being structured in a way to evade oversight, the Committees are examining whether certain reporting requirements, including any new reporting requirements for senior elected officials' family members, should extend for a period of time after a President or Vice President leaves office.

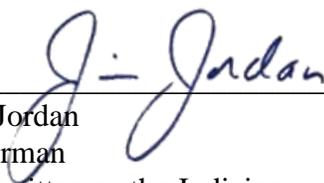
The Committees aim to draft legislation that delivers more transparency to the American people, deters foreign interests from attempting to obtain influence over and access to the highest levels of the federal government by entering into business deals with Presidential and Vice-Presidential family members, discourages such family members from profiting from their relative's public service, and ensures the nation is safe from our foreign adversaries. This deposition is critical in achieving these legislative goals.

As Chairmen of the Committees, we urge you to cooperate speedily and in good faith with these subpoenas. If you have any questions regarding this subpoena, please coordinate with James Mandolfo and Jake Greenberg with Oversight Committee staff at (202) 225-5074 and Steve Castor with Judiciary Committee staff at (202) 225-6906.

Sincerely,



James Comer  
Chairman  
Committee on Oversight and Accountability



Jim Jordan  
Chairman  
Committee on the Judiciary

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cc: The Honorable Jamie Raskin, Ranking Member  
Committee on Oversight and Accountability

The Honorable Jerrold L. Nadler, Ranking Member  
Committee on the Judiciary